

2009-0064016

RECORDED BY:

AND WHEN RECORDED, MAIL TO:

Mr. Thomas M. Rejzek
Santa Barbara County Fire Department
Fire Prevention Division
195 West Highway 246, Suite 102
Buellton, California 93427

Recorded | REC FEE 39.00
Official Records |
County of | CONFORMED COPY 2.00
Santa Barbara |
Joseph E. Holland |
MM
03:32PM 21-Oct-2009 | Page 1 of 11

11
cc

NOTICE OF RESIDUAL SOIL CONTAMINATION AND CLEANUP ACTIVITY

LET IT BE KNOWN:

That Carpinteria Gateway, LLC, a California limited liability company, is the owner of the real property in the County of Santa Barbara, State of California, described as 4971 and 4991 Carpinteria Avenue, Carpinteria, California, Assessor Parcel Nos. 004-113-001, 004-113-002, 004-113-003, 004-113-004 and 004-113-005, and more particularly described in Exhibit A attached hereto.

This property is the former location of a Chevron gasoline service station and was known to contain petroleum hydrocarbons in soil at concentrations minimally in excess of Santa Barbara County Site Investigation Levels (the "Petroleum Hydrocarbons"). Corrective action, including site assessment, cleanup, and a monitoring program, has been completed and is described in Exhibit B attached hereto, and maps of the site showing the extent of the Petroleum Hydrocarbons are attached. Despite the residual Petroleum Hydrocarbons, the property currently meets all relevant public health and safety requirements. This notice is a condition of the County of Santa Barbara Fire Department, Fire Prevention Division, issuing a letter stating that no further action is required based on current regulations and available information, and that letter is expected to be issued shortly after this notice is recorded.

This Notice of Residual Soil Contamination and Cleanup Activity shall remain with the land. This Notice may be rescinded in the future if the Santa Barbara County Fire Department or its successor agency is satisfied that Petroleum Hydrocarbons are below Santa Barbara County site investigation levels.

In witness whereof, this notice has been executed by the owner of the property named above or its duly authorized representative this Oct. 8, 2009.

Carpinteria Gateway, LLC, a California limited liability company

Barbara Benon - Co. Manager

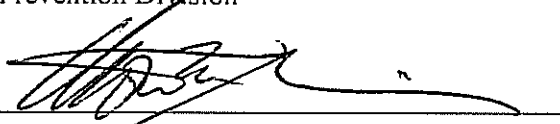
By:

Barbara Benon
Barbara Benon, ~~Manager~~
Co. Manager

This notice has been reviewed by the County of Santa Barbara Fire Department, Fire Prevention Division, this 10/20, 2009.

County of Santa Barbara Fire Department, Fire Prevention Division

By:



Name:

THOMAS M. REJCEK

Title:

PROFESSIONAL GEOLOGIST

State of California)
)
County of Santa Barbara) ss

On 10-14-, 2009, before me Patricia S. White
Notary Public, personally appeared Barbara Benson,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.





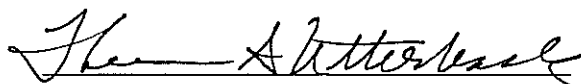
(Seal)

State of California)
)
County of Santa Barbara) ss

On October 20, 2009, before me Theresa S. Utterback
Notary Public, personally appeared Thomas M. Rejcek,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(Seal)

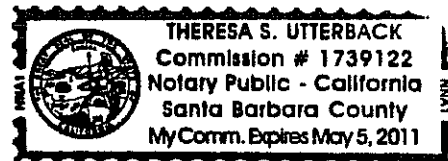


EXHIBIT A
TO
NOTICE OF RESIDUAL SOIL CONTAMINATION AND CLEANUP ACTIVITY
LEGAL DESCRIPTION

Lot 1 of Tract Map No. 25,182 in the City of Carpinteria, County of Santa Barbara, State of California, per Map recorded December 24, 2007 in Book 203, Pages 91 and 92 of Maps, in the Office of the County Recorder of said County.

Assessor Parcel Nos. 004-113-001, 004-113-002, 004-113-003, 004-113-004 and 004-113-005.

Exhibit B

NOTE TO THE COUNTY RECORD

Assessor Parcel Nos. 004-113-001, 004-113-002, 004-113-003, 004-113-004 and 004-113-005
4971 and 4991 Carpinteria Avenue
Carpinteria, California
LUFT Site #502272

1. Brief description of the release/source/extent including dates.

The property was developed and operated as a Chevron Products Company service station prior to 1998 and is currently developed with a multistory mixed-use structure. Several investigations and remedial excavations have been conducted from 1993 to 2003 (see Figure 1 - Plot Plan). Based upon soil sample results, residual hydrocarbons in soil remain in place between 8 and 14 feet below grade (fbg). All hydrocarbon-containing soil excavated during remedial activities was disposed off-site. The lead environmental consulting services for this site have been provided by Holguin, Fahan & Associates, Inc. (HFA) of Ventura, California.

2. Description of or any restrictions to building or areas of concern when building on this site.

The residual hydrocarbons in soil (8 to 14 fbg) at concentrations above the Santa Barbara County Fire Department, Fire Prevention Division (FPD) Site Investigation Levels are present in the western and central portions of the property in discrete locations with sufficiently delineated lateral and vertical extents (see Figure 2 - TPH as Gasoline Concentrations from 8 to 10 fbg, Figure 3 - TPH as Gasoline Concentrations from 10 to 12 fbg, and Figure 4 - TPH as Gasoline Concentrations from 12 to 14 fbg).

3. Reason for leaving in place.

Multiple remedial excavations were performed, which removed the majority of hydrocarbon-containing soil from the site. The mass of residual hydrocarbons were calculated to be 118.4 kilograms of TPH as gasoline (equivalent to approximately 31 gallons). The property is currently developed with a multistory mixed-use structure that encompasses the majority of the site, which generally prohibits the removal of the residual hydrocarbons. Soil vapor sampling and a human health risk assessment for the site indicated that the lifetime excess carcinogenic risk and non-carcinogenic Hazard Index were both below action levels.

4. Description of fate and transport study.

Residual hydrocarbons in soil with concentrations above FPD Site Investigation Levels are located under the current mixed-use structure at depths between 8 fbg and 14 fbg. No hydrocarbons above FPD investigation levels were detected below 15 fbg, and the lateral and vertical limits of residual hydrocarbons are adequately defined. Soil vapor sampling and a human health risk assessment for the site indicated that the lifetime excess carcinogenic risk and non-carcinogenic Hazard Index were both below action levels.

Exhibit B

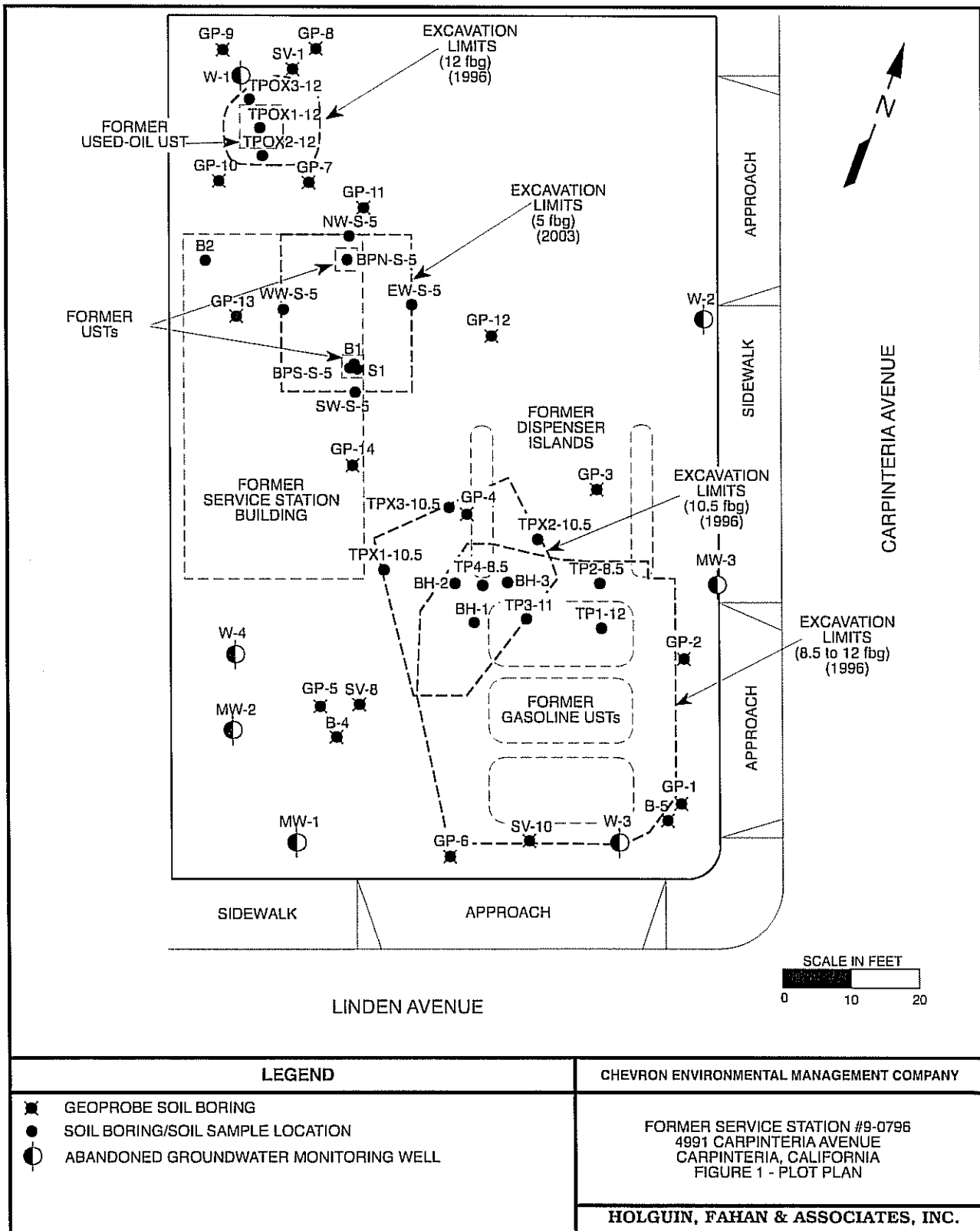
NOTE TO THE COUNTY RECORD

5. Description of risk to water quality, public health and safety, and the environment.

The most recent groundwater samples were collected in July 2008. Groundwater was encountered a depth of 8.5 to 9 fbg, and regional groundwater flow is to the northwest. Based on the most recent and previous (2003) groundwater data, dissolved-phase TPH is generally limited to the subject property (see Figure 5 – TPH Concentrations in Groundwater). BTEX and oxygenate concentrations were not detected above FPD investigation levels. The FPD concurs that residual dissolved-phase hydrocarbon concentrations will be reduced to groundwater cleanup levels through natural attenuation processes. According to the GeoTracker database, no active production groundwater wells exist in the immediate area.

6. Government agency concurrence.

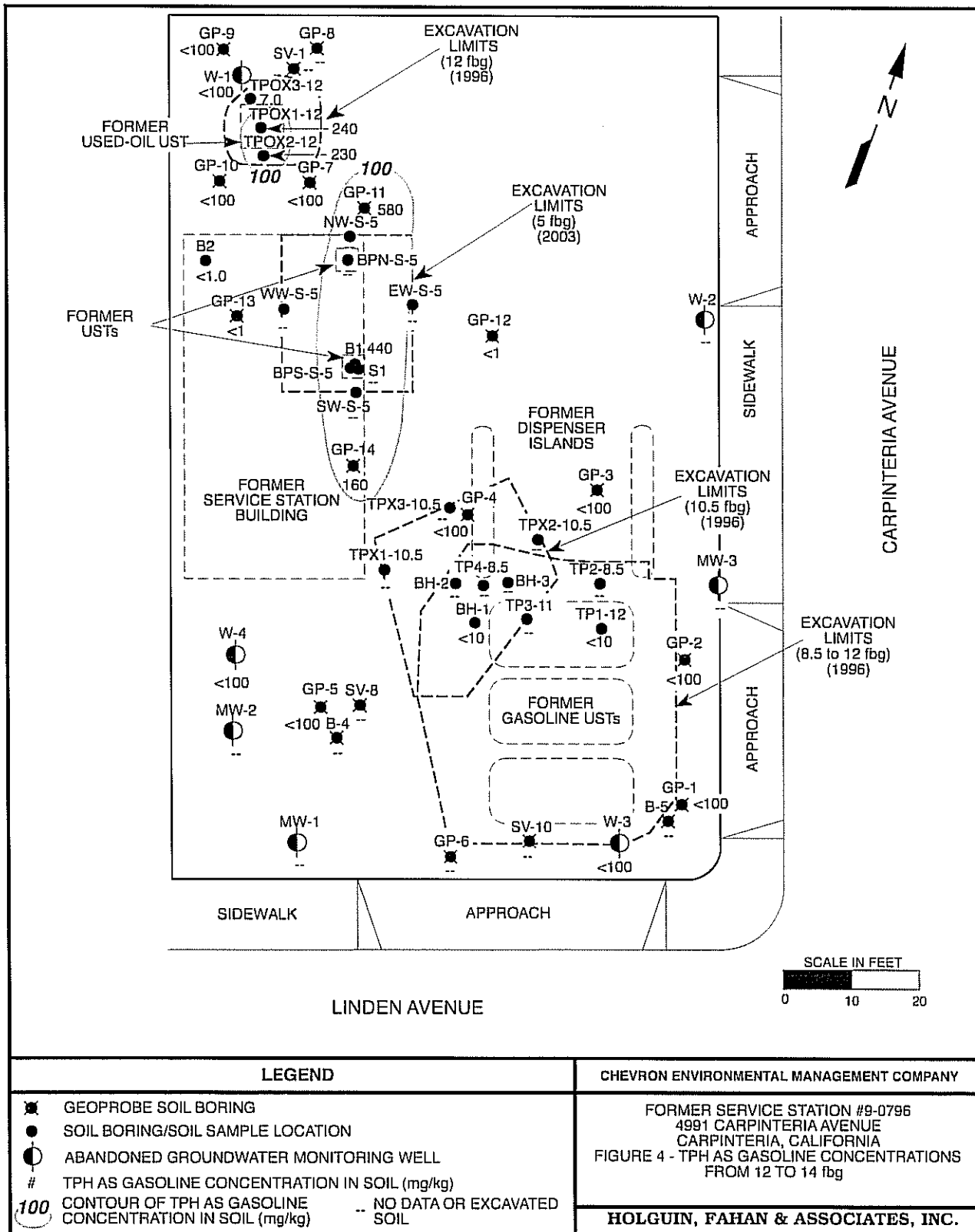
The FPD concurs with a “leave in place” case closure with a “note to the county record” as the site has been adequately assessed, the residual hydrocarbons represent a minimal volume and extent, and the human health risk indicated no complete pathways or risks above action levels.



REVISION DATE: SEPTEMBER 21, 2007:TGM







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